

Marshall R. Miller
SCDC# 249557
Tyger River Corr. Inst.
200 Prison Rd.
Enoree, SC. 29335

May 2, 2024

RECEIVED

MAY 07 2024

SC Court of Appeals

TO: Cathrine Harrison
Deputy Clerk
P.O. Box 11629
Columbia, SC. 29211

RE: Marshall Miller v. SCDC
Appellate Case No.2024-000412

Dear Ms. Harrison,

I am writing in reference to the above captioned appellate case number. On April 25, 2024 I received a letter of correspondence from you dated April 22, 2024 (copy of envelope and correspondence attached), informing me that your office had not received my initial brief and designated matter on appeal. The correspondence advised me I had ten (10) days to provide the Court with the initial brief and designated matter on appeal and a motion to file out of time with a (\$50) fifty dollar filing fee.

I believe there has been a mix-up in the mail. I mailed my initial brief in the Tyger River Mail Room via legal mail to this Court on April 15, 2024, so the 15th of April 2024 is the date it was stamped in the institutional mailroom and therefore my initial brief is timely filed.

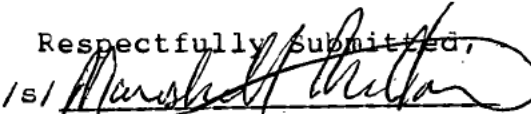
However, out an abundance of caution I had my mother Bobbie Miller call the Appellate Court Clerk's Office for clarification and my mother spoke to three (3) different individuals concerning the matter. On April 26, 2024 at 10:15 am my mother spoke with Ms. Ponisia and on April 29, 2024 my mother spoke with Ms. Katelyn at 11:30 am and on April 30, 2024 at 1:30 my mother spoke with Ms. Denesha, all of which told my mother to disregard the correspondence because all of them said they seen where my initial brief was filed on April 15, 2024, it somewhere in the mail system when Your Office sent me the attached letter of correspondence.

Now, again out of an abundance of caution, I need to know if I need to take any additional action regarding this matter or is the timely filing of my brief resolved?

I do not want to abandon my appeal and I do not want to miss a deadline, so if I need to pay any additional filing fees etcetera, please contact me at the above address immediately and I will comply.

I thank you very kindly for your time and consideration in this matter.

cc/ file
cc/Christina C. Bigelow

Respectfully Submitted,
/s/ 
Marshall Miller, pro-se



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 22, 2024

Marshall Miller, 249557
Tyger River Correctional Institution
Upper Yard
200 Prison Road
Enoree, SC 29335-9308

Re: Marshall Miller, #249557 v. SCDC
Appellate Case No. 2024-000412

Dear Mr. Miller:

According to our records, the time to provide the initial brief of appellant and designation of matter has expired. Within ten (10) days from the date of this letter you must provide the initial brief and designation of matter, a motion to file the brief outside of time, and the fifty-dollar (\$50) filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine S. Harrison, deputy".

CLERK

cc: Christina Catoe Bigelow, Esquire



South Carolina Court of Appeals

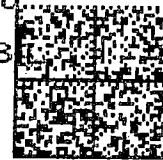
JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

Received
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Tyger River Mailroom

COLUMBIA SC 290

22 APR 2024 M 3

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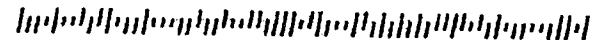


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MARSHALL MILLER, 249557
TYGER RIVER CORRECTIONAL INSTITUTION
UPPER YARD
200 PRISON ROAD
ENOREE SC 29335-9308

202

29335-279899



Due Date: 2-17-23

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE NAME: Marshall Miller
SCDC NUMBER: # 249557
INSTITUTION: Tyger River Corr. Inst.
HOUSING UNIT: U-1-206
WORK ASSIGNMENT: P-2-3

Grievance No. Tyler 2-005223
Code: General MY/WS
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: 2/21/23
IGC Initials: [Signature]
Date Received: 2/28/23
IGA Initials: [Signature]

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Pursuant to Torrence -v- SOUTH CAROLINA Dept. of Corrections Court case # 2016-000285, opinion # NO. 5829 June 30, 2021. The SC Court of Appeals determined that inmates are to be paid the prevailing wages as determined by the supreme Courts Interpretation of policy 24-3-430 My Filing of this grievance falls within Paragraph 139 of Department policy GA 01.12 which provides exception to time limit requirements will be made for grievances concerning policies I am asking for prevailing wage as policy 24-3-430 states. Also back pay without reprisal. This situation has been ruled on in Torrence -v- SCDC. This program is set up to not negatively effect private sector and pay me the same wage as private sector (prevailing wage) 24-3-430

Grievant Signature Marshall Miller Date 2/15/23

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

In your grievance, you are requesting adjustments to your inmate pay pursuant to Torrence v. South Carolina Department of Corrections (2021). The South Carolina Court of Appeals' opinion in Torrence was filed on June 30, 2021. You submitted your grievance regarding this matter in February of 2023, approximately one year and seven months after the Court of Appeals issued its opinion. Accordingly, your grievance is untimely under SCDC Policy ADM-15.13, section 12.1. This policy states as follows.

12. PROBLEMS WITH PAY:

12.1 Inmates must report any problems in their pay to their institution's inmate pay designee utilizing the Automated Request to Staff Member (ARTSM) within 15 days of the payroll date error. The inmate should maintain a record of the ARTSM reference number. The inmate pay designee will review the case and determine whether any additional pay is owed. Payroll corrections will be limited to the following.

- If the inmate fails to notify the Agency in writing and within 15 days, no back pay will be given.
- The pay rate will be adjusted to the proper rate amount for future payrolls in accordance with these procedures.
- The inmate may receive additional pay owed for the previous two (2) pay periods only.

Therefore, your grievance is denied.

Responsible Official Signature Bate Vincent Date 8-25-23

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

INMATE COPY

NOV 27 2023

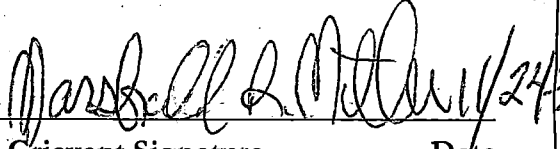
STEP 1

TYGER RIVER C.I. WARDEN'S OFFICE Marshall R. Miller SCDC NUMBER: 249557 INSTITUTION: TYRCI HOUSING UNIT: U1-A206 WORK ASSIGNMENT: PI-3	OFFICE USE ONLY Grievance No. <u>TYRCI 0716-23</u> Code: General <u>My/Bm</u> Policy _____ Disc. Hear. _____ Class. _____ PREA _____ Date Received <u>11/27/23</u> IGC Initials <u>MC</u>
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STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

This grievance is brought in reference to kiosk number 23-03314764, as my informal resolution. I asked that my long term escrowed PI savings be placed on my cooper account and I was told that [only] people serving life sentences can access their long term but I can't.


This is a denial of Equal Protection and Due Process. I am similarly situated and perform the same job duties as one serving life. For one serving life to be able to access their long term and I can't because I'm not serving a life sentences is unconstitutional "as applied".


 Grievant Signature Date 11/24/23

ACTION REQUESTED: I want my long term escrowed savings placed on my cooper account with immediate access to my long term just as those similarly situated whether serving life or not. Equal protection applies to everyone.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

This grievance has been processed. Please see the Warden's Decision (decision) on the reverse side.


 IGC Signature Date 12/4/23

(CONTINUE ON REVERSE SIDE)

INMATE COPY

01713149

2009 1 1008

WARDEN'S DECISION AND REASON:

Miller, Marshall 249557

TYRCI-0716-23

I have reviewed your concern expressed in your grievance. You allege that when requesting your Long-Term savings be deposited into your Cooper Account, you were informed that only inmates serving a life sentence are allowed access to said funds. You state this is a denial to Equal Protection and Due Process and have requested said funds be made accessible in accordance with equal protection. SCDC Policy ADM.15-10, "Work Release Accounting", identifies the Long-Term Savings as an Escrow account. Said policy also states, "2.8 Escrow Savings: Ten percent (10%) of the inmate's gross wages must be retained until the inmate's release, death, parole, probation, or release to community supervision programs in an interest-bearing escrow account. The ten percent (10%) will be retained in the work release program account and tracked as the mandatory savings amount." In accordance with said policy, you have not shown that SCDC Staff have performed their job duties inappropriately.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Step 2 Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

12/4/2023

Warden Signature

Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

12-7-23

Grievant Signature

Date

12/7/23

IGC Signature

Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Marshall R. Miller #249557
Tyger River Cord. Inst.
200 Prison Rd.
Enoree, SC

GREENVILLE SC 296
3 MAY 2024 PM 1 L



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2933 MAY 07 2024

SC Court of Appeals
Received

SC Court of Appeals
Catherine Harrison
Deputy Clerk
PO Box 11629
Columbia, SC

Legal Mail
Tyger River Mailroom
MAY 08 2024

29211-162929

